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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Nineteenth session
Geneva, 16 November-4 December 1998

PROVISIONAL AGENDA AND ANNOTATIONS

Note by the Secretary-General

1. The nineteenth session of the Committee on Economic, Social and Cultural Rights, established in accordance with Economic and Social Council resolution 1985/17, will be held at the United Nations Office in Geneva from 16 November to 4 December 1998. The first meeting will be convened on Monday, 16 November 1998 at 10.30 a.m.

2. The attached provisional agenda and annotations for the nineteenth session of the Committee have been prepared by the Secretary-General in accordance with rule 4 of the rules of procedure of the Committee.

3. The attention of the States parties is drawn, in particular, to the annotations to item 6 containing the list of reports that will be before the Committee at its nineteenth session.

GE.98-16997 (E)

PROVISIONAL AGENDA

1. Adoption of the agenda.

2. Organization of work.

3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.

4. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant.

5. Relations with United Nations organs and other treaty bodies.

6. Consideration of reports:

   (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant.

   (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. General discussion: "Right to education (articles 13 and 14 of the Covenant)"

8. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

9. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

10. Report of the Committee to the Economic and Social Council.

ANNOTATIONS

1. Adoption of the agenda

Under rule 5 of the rules of procedure, the first item on the provisional agenda of any session shall be the adoption of the agenda, except for the election of its officers when required under rule 14. In accordance with rule 6 the Committee, during a session, may revise the agenda and may, as appropriate, add, delete or defer items.

2. Organization of work

In accordance with rule 8 of its rules of procedure, at the beginning of each session, the Committee shall consider appropriate organizational matters, including the schedule of its meetings. In this connection, the attention of the members of the Committee is drawn to the draft programme of work for the session, prepared by the Secretary-General in consultation with the Chairperson of the Committee and in accordance with established practice (E/C.12/1998/L.2).

3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights

The Committee decided at its fourteenth session (28 April-17 May 1996) that as from its fifteenth session its discussions relating to the implementation of the Covenant (NGO hearings, methods of work, etc.) would be conducted under this agenda item.

4. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant

At its fourteenth session, the Committee on Economic, Social and Cultural Rights, recognizing the importance of periodically reviewing the implementation by States parties of its suggestions and recommendations, requested the Secretariat to submit to it, as from the fifteenth session, a document indicating all cases where a follow-up had been suggested by the Committee. In this connection, the attention of the members of the Committee is drawn to document E/C.12/1998/10 which contains the requested information.

5. Relations with United Nations organs and other treaty bodies

The Committee decided at its sixth session to nominate individual members to follow the work of each of the other treaty bodies. Such members are to follow as closely as possible the work of the relevant committees, to liaise where possible with members of these committees and to present an oral report on developments of both a procedural and substantive nature in their work which appeared to be of specific relevance to the work of the Committee (E/1992/23, paras. 371-373).

6. Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

In accordance with rule 61, paragraph 2, of its rules of procedure, the Committee shall normally consider the reports submitted by States parties under article 16 of the Covenant in the order in which they have been received by the Secretary-General. Representatives of the reporting States are entitled to be present at the meetings of the Committee when their reports are examined; such representatives should be able to make statements on the reports submitted by their Governments and reply to questions which may be put to them by the members of the Committee.

At its eighteenth session, the Committee requested the Secretary-General to schedule five reports from four States parties for consideration at its nineteenth session. The Committee also decided to conduct at its nineteenth session a review of the implementation of the provisions of the Covenant in Solomon Islands, which has not submitted any report since ratifying the Covenant in 1982, on the basis of any information that may be available to it.

In accordance with rule 62, paragraph 2, of the Committee's rules of procedures, the Secretary-General has informed the States parties concerned of the opening date and duration of the nineteenth session of the Committee as well as of the dates at which their respective reports will be examined and has invited them to send representatives to attend the meetings of the Committee.

As at 15 July 1998, the reports listed below had been received by the Secretary-General. The reports of the States parties which are scheduled for consideration by the Committee at its nineteenth session are identified by an asterisk. The tentative timetable for consideration of those reports, prepared by the Secretary-General in consultation with the Chairperson of the Committee, is contained in document E/C.12/1998/L.2.

Initial reports concerning articles 1 to 15 of the Covenant

Switzerland*	E/1990/5/Add.33
Ireland	E/1990/5/Add.34
Cameroon	E/1990/5/Add.35
Armenia	E/1990/5/Add.36
Georgia	E/1990/5/Add.37
Egypt	E/1990/5/Add.38
Israel*	E/1990/5/Add.39
Honduras	E/1990/5/Add.40
Sudan	E/1990/5/Add.41
Kyrgyzstan	E/1990/5/Add.42

Second periodic reports concerning articles 1 to 15 of the Covenant

Tunisia	E/1990/6/Add.14
Iceland	E/1990/6/Add.15
Argentina	E/1990/6/Add.16
Jordan	E/1990/6/Add.17
Belgium	E/1990/6/Add.18
Venezuela	E/1990/6/Add.19

Third periodic reports concerning articles 1 to 15 of the Covenant

Cyprus*	E/1994/104/Add.12
Germany*	E/1994/104/Add.14
Denmark	E/1994/104/Add.15
Bulgaria	E/1994/104/Add.16
Canada*	E/1994/104/Add.17
Mexico	E/1994/104/Add.18
Italy	E/1994/104/Add.19
Portugal	E/1994/104/Add.20
Mongolia	E/1994/104/Add.21
Australia	E/1994/104/Add.22

(b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant

In accordance with rule 67 of its rules of procedure, the Committee is entrusted with the task of considering the reports submitted by specialized agencies pursuant to article 18 of the Covenant.

In accordance with rule 68 of the rules of procedure, the representatives of the specialized agencies concerned may make statements on matters falling within the scope of the activities of their respective organization in the course of the discussion by the Committee of the report of each State party to the Covenant. The representatives of the States parties presenting reports to the Committee shall be free to respond to, or take into account, the statements made by the specialized agencies. The Secretary-General has invited the following specialized agencies, United Nations organs and financial institutions to send representatives to attend the meetings of the Committee: International Labour Organization (ILO), Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Development Programme (UNDP), United Nations Conference on Trade and Development (UNCTAD), Joint United Nations Programme on HIV/Aids (UNAIDS), International Monetary Fund (IMF) and the World Bank.

Any report which may be received from the specialized agencies under article 18 of the Covenant will be made available to the Committee in due course.

7. General discussion: "Right to education (articles 13 and 14 of the Covenant)"

At its eighteenth session, the Committee decided that Monday, 30 November 1998 would be a day of general discussion devoted to the right to education as enshrined in articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights. The Committee also decided to make a particular effort to relate this discussion to the work of the newly appointed (by the Commission on Human Rights) Special Rapporteur on this issue, to whom an invitation to participate in the discussion should be extended.

8. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant

In accordance with rule 59, paragraph 1, of its rules of procedure, the Committee shall at each session consider the status of submission of reports under article 16 of the Covenant and may make appropriate recommendations to the Council, including recommendations to the effect that the Secretary-General should send reminders to States parties from which reports have not been received.

The Committee will have before it under this item the following document:

A note by the Secretary-General on the States parties to the Covenant and the status of submission of reports (E/C.12/1998/9).

9. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies

Pursuant to rule 64 of its rules of procedure, the Committee may wish to make suggestions and recommendations of a general nature on the basis of its consideration of reports submitted by States parties and the reports submitted by specialized agencies, in order to assist the Council to fulfil, in particular, its responsibilities under articles 21 and 22 of the Covenant. The Committee may also wish to make suggestions for consideration by the Council with reference to articles 19, 22 and 23 of the Covenant.

10. Report of the Committee on Economic, Social and Cultural Rights

In accordance with rule 57 of its rules of procedure, the Committee shall submit to the Council an annual report on its activities, which shall contain, inter alia, the concluding observations of the Committee relating to each State party's report.

The Committee shall also include in its report suggestions and recommendations of a general nature referred to under rule 64 of the rules of procedure of the Committee.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
Nineteenth session
Geneva, 16 November - 4 December 1998

STATES PARTIES TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND STATUS OF THE SUBMISSION OF REPORTS IN ACCORDANCE WITH THE PROGRAMME ESTABLISHED BY THE ECONOMIC AND SOCIAL COUNCIL IN RESOLUTION 1988/4 AND RULE 58 OF THE RULES OF PROCEDURE OF THE COMMITTEE

Note by the Secretary-General

1. The International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 entered into force on 3 January 1976, three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification, as provided for in article 27 of the Covenant.

2. As at 15 July 1998, the Covenant had been ratified or acceded to by 137 States. A list of States parties as well as information on the status of the submission of reports by States parties, is to be found in the annex to the present document.

Annex I

STATES PARTIES TO THE COVENANT AND STATUS OF SUBMISSION OF REPORTS
(as of 15 July 1998)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
1. Afghanistan	24 April 1983	E/1990/5/Add.8 (E/C.12/1991/SR.2, 4-6 and 8)			Overdue		
2. Albania	4 January 1992	Overdue					
3. Algeria	12 December 1989	E/1990/5/Add.22 (E/C.12/1995/SR.46, 47, 48)			Overdue		
4. Angola	10 April 1992	Overdue					
5. Argentina	8 November 1986	E/1990/5/Add.18 (E/C.12/1994/SR.31, 32, 35, 36, 37)		E/1988/5/Add.4 E/1988/5/Add.8 (E/C.12/1990/ SR.18-20)	E/1990/6/Add.16 (Pending consideration)		
6. Armenia	13 December 1993	E/1990/5/Add.36 (Pending consideration)					
7. Australia**	10 March 1976	E/1978/8/Add.15 (E/1980/WG.1/ SR.12-13)	E/1980/6/Add.22 (E/1981/WG.1/ SR.18)	E/1982/3/Add.9 (E/1982/WG.1/ SR.13-14)	E/1984/7/Add.22 (E/1985/WG.1/ SR.17, 18 and 21)	E/1986/4/Add.7 (E/1986/WG.1/ SR.10, 11, 13 and 14)	E/1990/7/Add.13 (E/C.12/1993/ SR.13, 15 and 20)
8. Austria***	10 December 1978	E/1984/6/Add.17 (E/C.12/1988/ SR.3-4)	E/1980/6/Add.19 (E/1981/WG.1/ SR.8)	E/1982/3/Add.37 (E/C.12/1988/ SR.3)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)	E/1986/4/Add.8 and Corr.1 (E/1986/WG.1/ SR.4 and 7)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)
9. Azerbaijan	13 November 1992	E/1990/5/Add.30 (E/C.12/1997/SR.39-41)					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
10. Barbados	3 January 1976	E/1978/8/Add.33 (E/1982/WG.1/ SR.3)	E/1980/6/Add.27 (E/1982/WG.1/ SR.6-7)	E/1982/3/Add.24 (E/1983/WG.1/ SR.14-15)	Overdue		
11. Belarus**	3 January 1976	E/1978/8/Add.19 (E/1980/WG.1/ SR.16)	E/1980/6/Add.18 (E/1981/WG.1/ SR.16)	E/1982/3/Add.3 (E/1982/WG.1/ SR.9-10)	E/1984/7/Add.8 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.19 (E/C.12/1988/ SR.10-12)	E/1990/7/Add.5 (E/C.12/1992/ SR.2, 3 and 12)
12. Belgium	21 July 1983	E/1990/5/Add.15 (E/C.12/1994/SR.15-17)			E/1990/6/Add.18 (Pending consideration)		
13. Benin	12 June 1992	Overdue					
14. Bolivia	12 November 1982	Overdue					
15. Bosnia and Herzegovina	6 March 1993	Overdue					
16. Brazil	24 April 1992	Overdue					
17. Bulgaria**	3 January 1976	E/1978/8/Add.24 (E/1980/WG.1/ SR.12)	E/1980/6/Add.29 (E/1982/WG.1/ SR.8)	E/1982/3/Add.23 (E/1983/WG.1/ SR.11-13)	E/1984/7/Add.18 (E/1985/WG.1/ SR.9 and 11)	E/1986/4/Add.20 (E/C.12/1988/ SR.17-19)	
18. Burundi	9 August 1990	Overdue					
19. Cambodia	26 August 1992	Overdue					
20. Cameroon	27 September 1984	E/1990/5/Add.35 (Pending consideration)	E/1986/3/Add.8 (E/C.12/1989/ SR.6-7)	E/1990/5/Add.35 (Pending consideration)			
21. Canada**	19 August 1976	E/1978/8/Add.32 (E/1982/WG.1/ SR.1-2)	E/1980/6/Add.32 (E/1984/WG.1/ SR.4 and 6)	E/1982/3/Add.34 (E/1986/WG.1/ SR.13, 15 and 16)	E/1984/7/Add.28 (E/C.12/1989/ SR.8 and 11)	E/1990/6/Add.3 (E/C.12/1993/SR.6, 7 and 18)	
22. Cape Verde	6 November 1993	Overdue					
23. Central African Republic	8 August 1981	Overdue					
24. Chad	9 September 1995	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
25. Chile*	3 January 1976	E/1978/8/Add.10 and 28 (E/1980/WG.1/ SR.8-9)	E/1980/6/Add.4 (E/1981/WG.1/ SR.7)	E/1982/3/Add.40 (E/C.12/1988/ SR.12-13 and 16)	E/1984/7/Add.1 (E/1984/WG.1/ SR.11-12)	E/1986/4/Add.18 (E/C.12/1988/ SR.12-13 and 16)	Overdue
26. Colombia**	3 January 1976	E/1978/8/Add.17 (E/1980/WG.1/ SR.15)	E/1986/3/Add.3 (E/1986/WG.1/ SR.6 and 9)	E/1982/3/Add.36 (E/1986/WG.1/ SR.15, 21 and 22)	E/1984/7/Add.21 / Rev.1 (E/1986/WG.1/ SR.22 and 25)	E/1986/4/Add.25 (E/C.12/1990/ SR.12-14 and 17)	E/1990/7/Add.4 (E/C.12/1991/ SR.17, 18 and 25)
27. Congo	5 January 1984	Overdue					
28. Costa Rica	3 January 1976	E/1990/5/Add.3 (E/C.12/1990/SR.38, 40, 41 and 43)			Overdue		
29. Côte d'Ivoire	26 June 1992	Overdue					
30. Croatia	8 October 1991	Overdue					
31. Cyprus**	3 January 1976	E/1978/8/Add.21 (E/1980/WG.1/ SR.17)	E/1980/6/Add.3 (E/1981/WG.1/ SR.6)	E/1982/3/Add.19 (E/1983/WG.1/ SR.7-8)	E/1984/7/Add.13 (E/1984/WG.1/ SR.18 and 22)	E/1986/4/Add.2 and 26 (E/C.12/1990/ SR.2, 3 and 5)	
32. Czech Republic	1 January 1993	Overdue					
33. Democratic People's Republic of Korea	14 December 1981	E/1984/6/Add.7 (E/C.12/1987/ SR.21-22)	E/1986/3/Add.5 (E/C.12/1987/ SR.21-22)	E/1988/5/Add.6 (E/C.12/1991/ SR.6, 8 and 10)	Overdue		
34. Democratic Republic of the Congo	1 February 1977	E/1984/6/Add.18	E/1986/3/Add.7	E/1982/3/Add.41 (E/C.12/1988/SR.16-19)	Overdue		
35. Denmark**	3 January 1976	E/1978/8/Add.13 (E/1980/WG.1/ SR.10)	E/1980/6/Add.15 (E/1981/WG.1/ SR.12)	E/1982/3/Add.20 (E/1983/WG.1/ SR.8-9)	E/1984/7/Add.11 (E/1984/WG.1/ SR.17 and 21)	E/1986/4/Add.16 (E/C.12/1988/ SR.8-9)	

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
36. Dominica	17 September 1993	Overdue					
37. Dominican Republic	4 April 1978	E/1990/5/Add.4 (E/C.12/1990/SR.43-45 and 47)			E/1990/6/Add.7 (E/C.12/1996/SR.29 and 30) (E/C.12/1997/SR.29-31)		
38. Ecuador	3 January 1976	E/1978/8/Add.1 (E/1980/WG.1/ SR.4-5)	E/1986/3/Add.14 E/1988/5/Add.7 (E/C.12/1990/SR.37-39 and 42)		E/1984/7/Add.12 (E/1984/WG.1/ SR.20 and 22)	Overdue	
39. Egypt	14 April 1982	E/1990/5/Add.38 (Pending consideration)					
40. El Salvador	29 February 1980	E/1990/5/Add.25 (E/C.12/1996/SR.15,16,18)			Overdue		
41. Equatorial Guinea	25 December 1987	Overdue					
42. Estonia	21 January 1992	Overdue					
43. Ethiopia	11 September 1993	Overdue					
44. Finland**	3 January 1976	E/1978/8/Add.14 (E/1980/WG.1/ SR.6)	E/1980/6/Add.11 (E/1981/WG.1/ SR.10)	E/1982/3/Add.28 (E/1984/WG.1/ SR.7-8)	E/1984/7/Add.14 (E/1984/WG.1/ SR.17-18)	E/1986/4/Add.4 (E/1986/WG.1 SR.8-9 and 11)	E/1990/7/Add.1 (E/C.12/1991/ SR.11, 12 and 16)
45. France	4 February 1981	E/1984/6/Add.11 (E/1986/WG.1/ SR.18-19 and 21)	E/1986/3/Add.10 (E/C.12/1989/ SR.12-13)	E/1982/3/Add.30 and Corr.1 (E/1985/WG.1/ SR.5 and 7)	Overdue		
46. Gabon	21 April 1983	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
47. Gambia	29 March 1979	Overdue					
48. Georgia	3 August 1994	E/1990/5/Add.37 (Pending consideration)					
49. Germany**	3 January 1976	E/1978/8/Add.8 and Corr.1 (E/1980/WG.1/ SR.8) E/1978/8/Add.11 (E/1980/WG.1/ SR.10)	E/1980/6/Add.6 (E/1981/WG.1/ SR.8) E/1980/6/Add.10 (E/1981/WG.1/ SR.10)	E/1982/3/Add.15 and Corr.1 (E/1983/WG.1/ SR.5-6) E/1982/3/Add.14 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.3 and 23 (E/1985/WG.1/ SR.12 and 16) E/1984/7/Add.24 and Corr.1 (E/1986/WG.1/ SR.22-23 and 25)	E/1986/4/Add.11 (E/C.12/1987/ SR.11, 12 and 14) E/1986/4/Add.10 (E/C.12/1987/ SR.19-20)	E/1990/7/Add.12 (E/C.12/1993/ SR.35, 36 and 46)
50. Greece	16 August 1985	Overdue					
51. Grenada	6 December 1991	Overdue					
52. Guatemala	19 August 1988	E/1990/5/Add.24 (E/C.12/1996/SR.11-14)			Overdue		
53. Guinea	24 April 1978	Overdue					
54. Guinea-Bissau	2 October 1992	Overdue					
55. Guyana	15 May 1977	E/1990/5/Add.27 (Pending consideration)		E/1982/3/Add.5, 29 and 32 (E/1984/WG.1/ SR.20 and 22 and E/1985/WG.1/ SR.6)			
56. Honduras	17 May 1981	E/1990/5/Add.40 (Pending consideration)					
57. Hungary*	3 January 1976	E/1978/8/Add.7 (E/1980/WG.1/ SR.7)	E/1980/6/Add.37 (E/1986/WG.1/ SR.6-7 and 9)	E/1982/3/Add.10 (E/1982/WG.1/ SR.14)	E/1984/7/Add.15 (E/1984/WG.1/ SR.19 and 21)	E/1986/4/Add.1 (E/1986/WG.1/ SR.6-7 and 9)	E/1990/7/Add.10 (E/C.12/1992/ SR.9, 12 and 21)

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
58. Iceland	22 November 1979	E/1990/5/Add.6, (E/C.12/1993/SR.29, 30, 31 and 46) E/1990/5/Add.14			E/1990/6/Add.15 (Pending consideration)		
59. India	10 July 1979	E/1984/6/Add.13 (E/1986/WG.1/ SR.20 and 24)	E/1980/6/Add.34 (E/1984/WG.1/ SR.6 and 8)	E/1988/5/Add.5 (E/C.12/1990/ SR.16-17 and 19)	Overdue		
60. Iran (Islamic Republic of)	3 January 1976	E/1990/5/Add.9 (E/C.12/1993/SR.7-9 and 20)		E/1982/3/Add.43 (E/C.12/1990/ SR.42, 43 and 45)	Overdue		
61. Iraq**	3 January 1976	E/1984/6/Add.3 and 8 (E/1985/WG.1/ SR.8 and 11)	E/1980/6/Add.14 (E/1981/WG.1/ SR.12)	E/1982/3/Add.26 (E/1985/WG.1/ SR.3-4)		E/1986/4/Add.3 (E/1986/WG.1/ SR.8 and 11)	E/1990/7/Add.15 (E/C.12/1994/ SR.11 and 14)
62. Ireland	8 March 1990	E/1990/5/Add.34 (Pending consideration)					
63. Israel	3 January 1992	E/1990/5/Add.39 (Pending consideration)					
64. Italy**	15 December 1978	E/1978/8/Add.34 (E/1982/WG.1/ SR.3-4)	E/1980/6/Add.31 and 36 (E/1984/WG.1/ SR.3 and 5)		E/1990/6/Add.2 (E/C.12/1992/SR.13, 14 and 21)		
65. Jamaica	3 January 1976	E/1978/8/Add.27 (E/1980/WG.1/ SR.20)	E/1986/3/Add.12 (E/C.12/1990/ SR.10-12 and 15)	E/1988/5/Add.3 (E/C.12/1990/ SR.10-12 and 15)	E/1984/7/Add.30 (E/C.12/1990/ SR.10-12 and 15)	Overdue	

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
66. Japan	21 September 1979	E/1984/6/Add.6 and Corr.1 (E/1984/WG.1/ SR.9-10)	E/1986/3/Add.4 and Corr.1 (E/1986/WG.1/ SR.20-21 and 23)	E/1982/3/Add.7 (E/1982/WG.1/ SR.12-13)	Overdue		
67. Jordan	3 January 1976	E/1984/6/Add.15 (E/C.12/1987/ SR.6-8)	E/1986/3/Add.6 (E/C.12/1987/ SR.8)	E/1982/3/Add.38/ Rev.1 (E/C.12/1990/ SR.30-32)	E/1990/6/Add.17 (Pending consideration)		
68. Kenya	3 January 1976	E/1990/5/Add.18					
69. Kuwait	31 August 1996	Overdue					
70. Kyrgyzstan	7 January 1995	E/1990/5/Add.42 (Pending consideration)					
71. Latvia	14 July 1992	Overdue					
72. Lebanon	3 January 1976	E/1990/5/Add.16 (E/C.12/1993/SR.14, 16 and 21)			Overdue		
73. Lesotho	9 December 1992	Overdue					
74. Libyan Arab Jamahiriya	3 January 1976	E/1990/5/Add.26 (E/C.12/1997/SR.20-21)		E/1982/3/Add.6 and 25 (E/1983/WG.1/ SR.16-17)	Overdue		
75. Lithuania	20 February 1992	Overdue					
76. Luxembourg	18 November 1983	E/1990/5/Add.1 (E/C.12/1990/SR.33-36)			E/1990/6/Add.9 (E/C.12/1997/SR.48-49)		

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
77. Madagascar	3 January 1976	E/1978/8/Add.29 (E/1981/WG.1/ SR.2)	E/1980/6/Add.39 (E/1986/WG.1/ SR.2-3 and 5)	Overdue	E/1984/7/Add.19 (E/1985/WG.1/ SR.14 and 18)	Overdue	Overdue
78. Malawi	22 March 1994	Overdue					
79. Mali	3 January 1976	Overdue					
80. Malta	13 December 1990	Overdue					
81. Mauritius	3 January 1976	E/1990/5/Add.21 (E/C.12/1995/SR.40, 41 and 43)			Overdue		
82. Mexico**	23 June 1981	E/1984/6/Add.2 and 10 (E/1986/WG.1/ SR.24, 26 and 28)	E/1986/3/Add.13 (E/C.12/1990/ SR.6, 7 and 9)	E/1982/3/Add.8 (E/1982/WG.1/ SR.14-15)	E/1990/6/Add.4 (E/C.12/1993/SR.32-35 and 49)		
83. Moldova	26 March 1993	Overdue					
84. Monaco	28 November 1997	Due on 30 June 1999					
85. Mongolia**	3 January 1976	E/1978/8/Add.6 (E/1980/WG.1/ SR.7)	E/1980/6/Add.7 (E/1981/WG.1/ SR.8-9)	E/1982/3/Add.11 (E/1982/WG.1/ SR.15-16)	E/1984/7/Add.6 (E/1984/WG.1/ SR.16 and 18)	E/1986/4/Add.9 (E/C.12/1988/ SR.5 and 7)	
86. Morocco	3 August 1979	E/1990/5/Add.13 (E/C.12/1994/SR.8-10)			Overdue		
87. Namibia	28 February 1995	Overdue					
88. Nepal	14 August 1991	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
89. Netherlands***	11 March 1979	E/1984/6/Add.14 and 20 (E/C.12/1987/ SR.5-6) (E/C.12/1989/ SR.14-15)	E/1980/6/Add.33 (E/1984/WG.1/ SR.4-6 and 8)	E/1982/3/Add.35 and 44 (E/1986/WG.1/ SR.14 and 18) (E/C.12/1989/ SR.14-15)	E/1990/6/Add.11 E/1990/6/Add.12 (E/C.12/1998/ SR.13-17)	E/1986/4/Add.24 (E/C.12/1989/ SR.14-15)	E/1990/6/Add.13 (E/C.12/1998/ SR.13-17)
90. New Zealand	28 March 1979	E/1990/5/Add.5, E/1990/5/Add.11 and E/1990/5/Add.12 (E/C.12/1993/SR.24, 25, 26 and 40)			Overdue		
91. Nicaragua	12 June 1980	E/1984/6/Add.9 (E/1986/WG.1/ SR.16-17 and 19)	E/1986/3/Add.15 (E/C.12/1993/ SR.27, 28 and 46)	E/1982/3/Add.31 and Corr.1 (E/1985/WG.1/ SR.15)	Overdue		
92. Niger	7 June 1986	Overdue					
93. Nigeria	29 October 1993	E/1990/5/Add.31 (E/C.12/1998/SR.6-9)					
94. Norway**	3 January 1976	E/1978/8/Add.12 (E/1980/WG.1/ SR.5)	E/1980/6/Add.5 (E/1981/WG.1/ SR.14)	E/1982/3/Add.12 (E/1982/WG.1/ SR.16)	E/1984/7/Add.16 (E/1984/WG.1/ SR.19 and 22)	E/1986/4/Add.21 (E/C.12/1988/ SR.14-15)	E/1990/7/Add.7 (E/C.12/1992/ SR.4, 5 and 12)
95. Panama	8 June 1977	E/1984/6/Add.19 (E/C.12/1991/ SR.3, 5 and 8)	E/1980/6/Add.20 and 23 (E/1982/WG.1/ SR.5)	E/1988/5/Add.9 (E/C.12/1991/ SR.3, 5 and 8)	Overdue	E/1986/4/Add.22 (E/C.12/1991/ SR.3, 5 and 8)	Overdue
96. Paraguay	10 September 1992	E/1990/5/Add.23 (E/C.12/1996/SR.1, 2 and 4)					
97. Peru	28 July 1978	E/1984/6/Add.5 (E/1984/WG.1/ SR.11 and 18)	E/1990/5/Add.29 (E/C.12/1997/SR.15-17)		Overdue		

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
98. Philippines	3 January 1976	E/1978/8/Add.4 (E/1980/WG.1/ SR.11)	E/1986/3/Add.17 (E/C.12/1995/ SR.11, 12 and 14)	E/1988/5/Add.2 (E/C.12/1990/ SR.8-9 and 11)	E/1984/7/Add.4 (E/1984/WG.1/ SR.15 and 20)	Overdue	
99. Poland**	18 June 1977	E/1978/8/Add.23 (E/1980/WG.1/ SR.18-19)	E/1980/6/Add.12 (E/1981/WG.1/ SR.11)	E/1982/3/Add.21 (E/1983/WG.1/ SR.9-10)	E/1984/7/Add.26 and 27 (E/1986/WG.1/ SR.25-27)	E/1986/4/Add.12 (E/C.12/1989/ SR.5-6)	E/1990/7/Add.9 (E/C.12/1992/ SR.6, 7 and 15)
100. Portugal**	31 October 1978		E/1980/6/Add.35/ Rev.1 (E/1985/WG.1/ SR.2 and 4)	E/1982/3/Add.27/ Rev.1 (E/1985/WG.1/ SR.6 and 9)	E/1990/6/Add.6 (E/C.12/1995/SR.7, 8, 10) E/1990/6/Add.8 (Macao) (E/C.12/1996/SR.31-33)		
101. Republic of Korea	10 July 1990	E/1990/5/Add.19 (E/C.12/1995/SR.3, 4, 6)			Overdue		
102. Romania*	3 January 1976	E/1978/8/Add.20 (E/1980/WG.1/ SR.16-17)	E/1980/6/Add.1 (E/1981/WG.1/ SR.5)	E/1982/3/Add.13 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.17 (E/1985/WG.1/ SR.10 and 13)	E/1986/4/Add.17 (E/C.12/1988/ SR.6)	E/1990/7/Add.14 (E/C.12/1994/ SR.5, 7 and 13)
103. Russian Federation**	3 January 1976	E/1978/8/Add.16 (E/1980/WG.1/ SR.14)	E/1980/6/Add.17 (E/1981/WG.1/ SR.14-15)	E/1982/3/Add.1 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.7 (E/1984/WG.1/ SR.9-10)	E/1986/4/Add.14 (E/C.12/1987/ SR.16-18)	E/1990/7/Add.8 (withdrawn)
104. Rwanda	3 January 1976	E/1984/6/Add.4 (E/1984/WG.1/ SR.10 and 12)	E/1986/3/Add.1 (E/1986/WG.1/ SR.16 and 19)	E/1982/3/Add.42 (E/C.12/1989/ SR.10-12)	E/1984/7/Add.29 (E/C.12/1989/ SR.10-12)	Overdue	Overdue
105. Saint Vincent and the Grenadines	9 February 1982	Overdue					
106. San Marino	18 January 1986	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
107. Senegal	13 May 1978	E/1984/6/Add.22 (E/C.12/1993/ SR.37, 38 and 49)	E/1980/6/Add.13/ Rev.1 (E/1981/WG.1/ SR.11)	E/1982/3/Add.17 (E/1983/WG.1/ SR.14-16)	Overdue		
108. Seychelles	5 August 1982	Overdue					
109. Sierra Leone	23 November 1996	Overdue					
110. Slovakia	28 May 1993	Overdue					
111. Slovenia	6 July 1992	Overdue					
112. Solomon Islands	17 March 1982	Overdue					
113. Somalia	24 April 1990	Overdue					
114. Spain**	27 July 1977	E/1978/8/Add.26 (E/1980/WG.1/ SR.20)	E/1980/6/Add.28 (E/1982/WG.1/ SR.7)	E/1982/3/Add.22 (E/1983/WG.1/ SR.10-11)	E/1984/7/Add.2 (E/1984/WG.1/ SR.12 and 14)	E/1986/4/Add.6 (E/1986/WG.1/ SR.10 and 13)	E/1990/7/Add.3 (E/C.12/1991/ SR.13, 14, 16 and 22)
115. Sri Lanka	11 September 1980	E/1990/5/Add.32 (E/C.12/1998/SR.3-5)					
116. Sudan	18 June 1986	E/1990/5/Add.41 (Pending consideration)					
117. Suriname	28 March 1977	E/1990/5/Add.20 (E/C.12/1995/SR.13, 15, 16)			Overdue		
118. Sweden**	3 January 1976	E/1978/8/Add.5 (E/1980/WG.1/ SR.15)	E/1980/6/Add.8 (E/1981/WG.1/ SR.9)	E/1982/3/Add.2 (E/1982/WG.1/ SR.19-20)	E/1984/7/Add.5 (E/1984/WG.1/ SR.14 and 16)	E/1986/4/Add.13 (E/C.12/1988/ SR.10-11)	E/1990/7/Add.2 (E/C.12/1991/ SR.11-13 and 18)
119. Switzerland	18 September 1992	E/1990/5/Add.33 (Pending consideration)					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
120. Syrian Arab Republic*	3 January 1976	E/1978/8/Add.25 and 31 (E/1983/WG.1/ SR.2)	E/1980/6/Add.9 (E/1981/WG.1/ SR.4)		E/1990/6/Add.1 (E/C.12/1991/SR.7, 9 and 11)		
121. The former Yugoslav Republic of Macedonia	17 September 1991	Overdue					
122. Togo	24 August 1984	Overdue					
123. Trinidad and Tobago	8 March 1979	E/1984/6/Add.21	E/1986/3/Add.11 (E/C.12/1989/SR.17-19)	E/1988/5/Add.1	Overdue		
124. Tunisia	3 January 1976	E/1978/8/Add.3 (E/1980/WG.1/ SR.5-6)	E/1986/3/Add.9 (E/C.12/1989/ SR.9)		E/1990/6/Add.14 (Pending consideration)		
125. Turkmenistan	1 August 1997	Due on 30 June 1999					
126. Uganda	21 April 1987	Overdue					
127. Ukraine**	3 January 1976	E/1978/8/Add.22 (E/1980/WG.1/ SR.18)	E/1980/6/Add.24 (E/1982/WG.1/ SR.5-6)	E/1982/3/Add.4 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.9 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.5 (E/C.12/1987/ SR.9-11)	E/1990/7/Add.11 (withdrawn)
128. United Kingdom of Great Britain and Northern Ireland**	20 August 1976	E/1978/8/Add.9 and 30 (E/1980/WG.1/ SR.19 and E/1982/WG.1/ SR.1)	E/1980/6/Add.16 and Corr.1, Add.25 and Corr.1 and Add.26 (E/1981/WG.1/ SR.16-17)	E/1982/3/Add.16 (E/1982/WG.1/ SR.19-21)	E/1984/7/Add.20 (E/1985/WG.1/ SR.14 and 17)	E/1986/4/Add.23 (E/C.12/1989/ SR.16-17) E/1986/4/Add.27 E/1986/4/28 E/C.12/1994/ SR.33, 34, 36, 37	E/1990/7/Add.16 E/C.12/1994/ SR.33, 34, 36 and 37

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
129. United Republic of Tanzania	11 September 1976	Overdue	E/1980/6/Add.2 (E/1981/WG.1/ SR.5)	Overdue			
130. Uruguay	3 January 1976	E/1990/5/Add.7(E/C.12/1994/SR.3, 4,6 and 13)			E/1990/6/Add.10 (E/C.12/1997/SR.42-44)		
131. Uzbekistan	28 December 1995	Overdue					
132. Venezuela	10 August 1978	E/1984/6/Add.1 (E/1984/WG.1/ SR.7-8 and 10)	E/1980/6/Add.38 (E/1986/WG.1/ SR.2 and 5)	E/1982/3/Add.33 (E/1986/WG.1/ SR.12, 17 and 18)	E/1990/6/Add.19 (Pending consideration)		
133. Viet Nam	24 December 1982	E/1990/5/Add.10 (E/C.12/1993/SR.9-11 and 19)			Overdue		
134. Yemen	9 May 1987	Overdue					
135. Yugoslavia	3 January 1976	E/1978/8/Add.35 (E/1982/WG.1/ SR.4-5)	E/1980/6/Add.30 (E/1983/WG.1/ SR.3)	E/1982/3/Add.39 (E/C.12/1988/ SR.14-15)	E/1984/7/Add.10 (E/1984/WG.1/ SR.16 and 18)	Overdue	Overdue
136. Zambia	10 July 1984	Overdue	E/1986/3/Add.2 (E/1986/WG.1/ SR.4-5 and 7)	Overdue			
137. Zimbabwe	13 August 1991	E/1990/5/Add.28 (E/C.12/1997/SR.8-10 and 14)			Overdue		

Annex I (concluded)

* Third periodic report, which was due on 30 June 1994, has not yet been received.

** Third periodic report of Sweden (E/1994/104/Add.1) was considered at the twelfth session (E/C.12/1995/SR.13/Add.1, 15/Add.1 and 16); third periodic report of Colombia (E/1994/104/Add.2) was considered at the thirteenth session (E/C.12/1995/SR.32, 33 and 35); third periodic report of Norway (E/1994/104/Add.3) was considered at the thirteenth session (E/C.12/1995/SR.34, 36, 37); third periodic report of Ukraine (E/1994/104/Add.4) was considered at the thirteenth session (E/C.12/1995/SR.42, 44 and 45); third periodic report of Spain (E/1994/104/Add.5) was considered at the fourteenth session (E/C.12/1996/SR.3, 5-7); third periodic report of Belarus (E/1994/104/Add.6) was considered at the fifteenth session (E/C.12/1996/SR.34-36); third periodic report of Finland (E/1994/104/Add.7) was considered at the fifteenth session (E/C.12/1996/SR.37, 38 and 40); third periodic report of the Russian Federation (E/1994/104/Add.8) was considered at the fifteenth session (E/C.12/1997/SR.11-14); third periodic report of Iraq (E/1994/104/Add.9) was considered at the seventeenth session (E/C.12/1997/SR.33-35); third periodic report of the United Kingdom of Great Britain and Northern Ireland: Hong Kong (E/1994/104/Add.10) was considered at the fifteenth session (E/C.12/1996/SR.39, 41, 42 and 44); third periodic report of the United Kingdom of Great Britain and Northern Ireland (E/1994/104/Add.11) was considered at the seventeenth session (E/C.12/1997/SR.36-38); third periodic report of Cyprus was received on 30 April 1996 (E/1994/104/Add.12); third periodic report of Poland (E/1994/104/Add.13) was considered at the eighteenth session (E/C.12/1998/SR.10-12); third periodic report of Germany was received on 3 July 1996 (E/1994/104/Add.14); third periodic report of Denmark was received on 12 August 1996 (E/1994/104/Add.15); third periodic report of Bulgaria was received on 19 September 1996 (E/1994/104/Add.16); third periodic report of Canada was received on 20 May 1997 (E/1994/104/Add.17); third period report of Mexico was received on 18 July 1997 (E/1994/104/Add.18); third periodic report of Italy was received on 20 October 1997 (E/1994/104/Add.19); third periodic report of Portugal was received on 28 November 1997 (E/1994/104/Add.20); third periodic report of Mongolia was received on 21 April 1998 (E/1994/104/Add.21); third periodic report of Australia was received on 15 June 1998 (E/1994/104/Add.22).

*** Third periodic report, which was due on 30 June 1997, has not yet been received.

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Nineteenth session
Geneva, 16 November-4 December 1998
Item 7 of the provisional agenda

IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

DAY OF GENERAL DISCUSSION:

Right to education (articles 13 and 14 of the Covenant)

Monday, 30 November 1998

State obligations, indicators, benchmarks and the right to education

Background paper submitted by Paul Hunt
(University of Waikato, New Zealand)

1. Over the last 12 years or so, our understanding of the international legal obligations arising from the International Covenant on Economic, Social and Cultural Rights (ICESCR) has deepened. Several factors have contributed to this progress, not least the work of the United Nations Committee on Economic, Social and Cultural Rights and the increasing attention devoted to economic, social and cultural rights by non-governmental organizations (NGOs) and the academic literature. 1/

2. Despite these advances, however, there remains considerable uncertainty about the nature and extent of the legal obligations arising from ICESCR. These doubts persist for a number of reasons, one being the wording of article 2 (1) which sets out the general legal obligation of States parties under the Covenant:

> "Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available

resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures."

3. This statement of obligation includes some notoriously elusive phrases and concepts. Here I draw attention to two which have particular relevance to indicators and benchmarks: States parties undertake to *progressively realize* the enumerated rights to *the maximum of their available resources.* Scott Leckie warns against the progressive realization provision serving as "an escape hatch (for) recalcitrant states". 2/ After describing the maximum available resources phrase as "difficult", Robert Robertson remarks: "'Maximum' is the sword of human rights rhetoric; 'available' is the wiggle room for the state" 3/ - while Audrey Chapman rightly observes that evaluating progressive realization within the context of resource availability "considerably complicates the methodological requirements". 4/

4. Both phrases - progressive realization and resource availability - have two crucial implications. Firstly, they imply that some (but not necessarily all) States parties' obligations under the Covenant may vary from one State to another. Second, they imply that, in relation to the same State party, some (but not necessarily all) obligations under the Covenant may vary over time. These variable elements of States parties' obligations under ICESCR contribute to the sense of uncertainty which remain a feature of international economic, social and cultural rights.

5. Critically, human rights indicators and benchmarks can help all interested parties identify and monitor these variable or shifting State obligations. Before sketching a process by which indicators and benchmarks might be used in the context of the right to education, I want to make some additional general observations about the nature and extent of States parties' legal obligations under the Covenant.

6. Consideration of the Covenant and the jurisprudence of the Committee, discloses three interrelated and overlapping dimensions to States parties' legal obligations. Here, I deal only very briefly with the first two. My focus is the third dimension which, as we will see, has particular relevance to indicators and benchmarks.

(a) Obligations applying uniformly to all States parties. It must be emphasized that some obligations under ICESCR are *not* subject to notions of progressive realization and resource availability. These obligations apply uniformly around the world to all States parties whatever their stage of economic development. To take just one example: the principle of non-discrimination. According to article 2 (2) of the Covenant, States parties must not discriminate on the basis of sex, race and other prohibited grounds. Thus, if a State party excludes girls from any State school, it breaches the Covenant. The Covenant and Committee are clear: in this context, notions of progressive realization and resource availability are irrelevant. 5/

(b) A minimum core content for each right. According to the Committee, it is incumbent upon every State party "to ensure the satisfaction of, at the very least, minimum essential levels" of each right set out in the

Covenant. 6/ Without minimum core obligations, the Covenant "is largely deprived of its *raison d'être*. 7/ Much work still has to be done to define the minimum core content of each right. The Committee, for example, has yet to identify the minimum core content of the right to education. 8/ Once defined, however, it will apply to all States parties whatever their stage of economic development. In other words, the minimum core content will not be subject to the notions of progressive realization and resource availability.

(c) **The variable dimension.** Given article 2 (1), it is difficult to resist the conclusion that States parties' obligations under the Covenant have a variable or shifting dimension. Because of the progressive realization and resource availability phrases, the precise content of at least some State obligations is likely to vary from one State to another - and over time in relation to the same State.

7. In these circumstances, it is important to establish effective techniques and processes which are able to identify and monitor this variable dimension of State obligations. Without such arrangements, article 2 (1) can provide "recalcitrant States" with the "escape hatch" which Leckie warns us about. 9/ In my view, indicators and benchmarks have a role to play in both identifying and monitoring the variable component of States parties' obligations under the Covenant. 10/

8. This also seems to be the position of CESCR which has remarked:

> "it may be useful for States to identify specific benchmarks or goals against which their performance in a given area can be assessed ... global benchmarks are of limited use, whereas national or other more specific benchmarks can provide an extremely valuable indication of progress." 11/

However, if "global benchmarks are of limited use", how can appropriate *national* benchmarks, consistent with States' obligations under the Covenant, be identified and utilized? The answer to this question is provided by a three-step process. In the following narrative, I sketch this process with reference to the right to education. 12/

Step one: selecting key indicators

9. The first step is for the international community to agree upon a few - 10 or so - key right to education indicators. For example, they may include:

Expenditure for educational institutions as a percentage of GDP;

Annual expenditure per student at primary, secondary and tertiary levels;

Literacy rates.

Wherever appropriate, each indicator must be disaggregated.

10. The existing literature provides a wealth of education indicators. Consider, for example, UNESCO's World Education Report, UNDP's Human Development Report, the World's Women 1995: Trends and Statistics published by the United Nations, and Social Watch published by a consortium of NGOs. The recently published Education at a Glance: OECD Indicators uses no less than 41 education-related indicators. Education indicators, however, might not be the same as right to education indicators. On this point, guidance can be obtained from the global human rights conferences of recent years, including the World Conference on Education for All which took place in Jomtien, Thailand, in 1990. 13/ Further, the reporting guidelines of treaty bodies also consider right to education indicators and benchmarks. 14/ Moreover, with particular reference to the Convention on the Rights of the Child, UNICEF and others have begun valuable work on, specifically, right to education indicators. 15/ I am not suggesting the task will be easy but, drawing upon this rich experience, it should be possible to formulate a few key right to education indicators. 16/

11. Significantly, the exercise will demand collaboration between different treaty bodies and different specialized agencies. 17/ For example, to the extent that the provisions of ICESCR and the Convention on the Rights of the Child overlap, the Committee on Economic, Social and Cultural Rights should employ the same key right to education indicators. Of course, textual differences between human rights treaties might also generate some indicators which do not apply to all instruments. As for specialized agencies, as the preceding paragraph suggests, the right to education bears upon the mandate of more than one agency. Thus, when trying to identify education indicators, collaboration between the relevant agencies is highly desirable.

12. In a sense, attempting to identify key right to education indicators is like trying to agree upon a new elementary vocabulary for speaking about human rights. If each treaty body formulates different education indicators, we will have missed an important opportunity to develop a new common language which would have been especially useful in the context of economic, social and cultural rights. The rudimentary vocabulary of indicators must be both consistent and simple, otherwise it will not win widespread currency.

Step two: setting national benchmarks

13. Having agreed upon a few key right to education indicators, step two sets the appropriate levels - or benchmarks - for each indicator in relation to each State party, taking into account progressive realization and resource availability, as required by article 2 (1) of the Covenant. Setting these national benchmarks might be done in the following way.

14. As part of the periodic reporting process, the Committee could invite each State party to address each of the key right to education indicators. Let us say that one of the key indicators is disaggregated literacy rates. The Committee could ask the State party to report on its *current* literacy rates. Secondly, it could invite the State party to set an appropriate *projected* literacy rate - or benchmark - for five years' time. The State party would undertake this exercise in relation to each of the key right to education indicators.

15. Given its responsibility for monitoring the implementation of ICESCR, the Committee would comment on the appropriateness of the State party's projected benchmarks. Thus, if a State party's projected benchmark appears to be overly modest, the Committee could ask for an explanation and invite the State party to reconsider. In an extreme case, the Committee might not only record the State party's excessively modest projected benchmark, but it might also set a higher benchmark which it considers is more consistent with the proper interpretation of the State's obligations under the Covenant.

16. An NGO might take the view that a State's projected benchmark is too unambitious. For example, if a key education indicator is disaggregated literacy rates, a State might peg its boys' literacy rate benchmark at (say) 80 per cent and its girls' literacy rate benchmark at (say) 70 per cent. Let us assume that the Committee accepts these benchmarks are within the State's "margin of appreciation". An NGO, however, might think they are much too low and declare its own benchmarks of (say) 85 per cent for boys and girls. The NGO could use these alternative benchmarks in the manner indicated in the next session.

17. This highlights a point made earlier. The agreed key indicators can become a new vocabulary for speaking about economic, social and cultural rights. Naturally, in the context of a particular State, there will be differences of opinion about the most appropriate national benchmark in relation to a specific key indicator. The Committee, a State party and NGOs might all have different preferred national benchmarks. But at least they will be using a common language - the rudimentary vocabulary of key indicators - to discuss the issues and monitor the Covenant's provisions. In the long term, the development of this new basic vocabulary of human rights might prove to be a significant contribution to the better promotion and protection of economic, social and cultural rights.

18. Finally, it would be in a State party's interests to set realistic but challenging national benchmarks. If a projected benchmark is too modest, this could be interpreted as governmental complacency. On the other hand, if a projected benchmark is over-ambitious, the State will be exposed in five years' time when it next reports to the Committee. In appropriate cases, a realistic but challenging benchmark is more likely to attract the technical support of specialized agencies and the financial assistance of donors.

Step three: monitoring the national benchmarks

19. Once generated within the Committee's periodic reporting process, the 10 right to education benchmarks could then be used, by all interested parties, to monitor that particular State's progress over the next five years. At the end of five years, when it next reports to the Committee, the State would report whether or not it has reached its 10 right to education benchmarks, and comment on problems - such as the introduction of a structural adjustment programme - it might have encountered.

20. As for the Committee, consistent with its monitoring role, it would comment on the State's progress. It may make recommendations to the State - for example, it may recommend that the State seeks technical assistance from

relevant specialized agencies. The Committee would also ask the State to identify new, and (probably) higher, benchmarks for the next five-year period. And then the process repeats itself as part of the Committee's ongoing periodic reporting procedure.

21. While the Committee will usually monitor the benchmarks only every five years, other interested parties could monitor progress on a more frequent basis. NGOs, for example, could monitor progress every one or two years and publish their findings. An NGO might monitor the benchmarks set by the State during the Committee's reporting process and, in addition, the NGO could monitor any alternative more challenging benchmarks it has identified. Further, depending upon its mandate, a national human rights institution might wish to undertake a similar benchmark-monitoring exercise. The benchmarks could be integrated into national human rights - or social justice - action plans which some States might wish to formulate. Again, they could also be utilized by United Nations specialized agencies and other international bodies. In other words, the national benchmarks set in the course of the Committee's periodic reporting process are not reserved for the Committee's exclusive use once every five years.

22. Nonetheless, it should be acknowledged that non-State actors, struggling with very limited resources, may not be able to monitor effectively all benchmarks on an annual or biennial basis. For example, an NGO might not have access to annual nationwide data on disaggregated literacy rates. On the other hand, some of the benchmark data will often be found, on an annual basis, in governmental publications - such as the expenditure for educational institutions as a percentage of GDP. So the non-State monitoring of national benchmarks between a State's five-yearly reports to the Committee might not extend to all of the benchmarks. 18/ Even this, however, could be a useful annual or biennial monitoring exercise.

23. I have already suggested that the key indicators should become a new, common, rudimentary vocabulary for talking about economic, social and cultural rights. Another way of viewing the key indicators and national benchmarks is to see them simply as a tool which anyone interested in economic, social and cultural rights - human rights treaty bodies, States, NGOs, national human rights institutions, specialized agencies and so on - can pick up and use if and when they so wish.

Specialized agencies

24. Three years after ICESCR entered into force, Philip Alston wrote:

> "the decisive element in determining the success or failure of the Covenant will be the extent to which the UN and the specialized agencies are able to cooperate effectively in its implementation". 19/

Certainly, ICESCR bestows a crucial role upon the United Nations specialized agencies and, for the most part, 20/ they have not responded positively to the challenge - at least, not yet. However, there are now some encouraging signs that some of the United Nations specialized agencies and programmes are beginning to take the Covenant more seriously. 21/

25. This is not an appropriate place to examine these issues in detail. But one point deserves emphasis here. The three-step process outlined above - selecting key human rights indicators, setting national benchmarks, and monitoring these benchmarks - would benefit enormously from the effective participation of United Nations specialized agencies and programmes for they have an abundance of pertinent data and expertise. For example, United Nations specialized agencies and programmes might:

(a) Help identify the 10 (or so) key right to education indicators;

(b) Help a State identify achievable benchmarks for the next five years;

(c) Most crucially, help a State reach those benchmarks;

(d) Help a State monitor the entire process and report to the Committee;

(e) Following the Committee's consideration of the State's periodic report, the agencies might help a State implement the Committee's recommendations.

26. The adoption of a system of key human rights indicators and national benchmarks provides excellent opportunities for fruitful collaboration between specialized agencies, programmes and the Committee, consistent with the letter and spirit of the Covenant.

Conclusion

27. In my view, human rights benchmarks have a significant role to play in the promotion and protection of economic, social and cultural rights. Nonetheless, it is important to keep their role in perspective. Even if we were to perfect the use of human rights benchmarks, they would only provide us with part of the story. They might be able to tell us *what* is happening, but they cannot usually tell us *why* it is happening. If a State's human rights record is a feature film, benchmarks are an inadequate snapshot of human rights at a specific moment. Successive frames, frozen at regular intervals, can tell us something about the film, but not the whole story. So it is with human rights benchmarks: they can tell us part of the story but not all of it.

28. Thus, while they may enhance our understanding, benchmarks are no substitute for other ways of monitoring a State's human rights record. What are these other ways? At the international level, they include the treaty-based periodic reporting process, the preparation of "shadow" reports by NGOs, the elucidation of "minimum core content", appropriate complaints procedures. Charter-based "special procedures" such as the decisions by the Commission on Human Rights in 1998 to establish an independent expert on the right to development and a special rapporteur on primary education, and so on. The combination of all these devices - in conjunction with benchmarks - can provide us an increasingly complete account of a State's human rights policy and practice.

29. In summary, we should not neglect existing devices which address both the individual and structural dimensions of economic, social and cultural rights. Further, we should remain open to the possibility of new approaches to these issues. Equally, however, we need to use human rights indicators and benchmarks - to develop this new human rights vocabulary. Indicators and benchmarks have an especially important role in relation to the shifting State obligations implicit in the concepts of "progressive realization" and "maximum available resources". Indeed, without human rights indicators and benchmarks, it is difficult to see how these elusive concepts can be effectively monitored.

Notes

1/ Among the especially useful NGO/academic initiatives have been the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights (1986), the Bangalore (ICJ) Declaration and Plan of Action (1995), and the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights (1997).

2/ S. Leckie, "Another Step Towards Indivisibility: Identifying the Key Features of Violations of Economic, Social and Cultural Rights", Human Rights Quarterly, vol. 20, No. 1, February 1998, pp. 81, 94.

3/ R. Robertson, "Measuring State Compliance with the Obligation to Devote the 'Maximum Available Resources' to Realizing Economic, Social and Cultural Rights", Human Rights Quarterly, 1994, pp. 693, 694.

4/ A. Chapman, "A 'Violations Approach' for Monitoring the International Covenant on Economic, Social and Cultural Rights", Human Rights Quarterly, vol. 18, No. 1, February 1996, pp. 23, 31.

5/ See General Comment 3.

6/ Ibid., para. 10.

7/ Ibid.

8/ On the core content of the right to education, see F. Coomans, "Clarifying the Core Elements of the Right to Education" in F. Coomans and F. van Hoof (eds.), The Right to Complain about Economic, Social and Cultural Rights, 1995, p. 11.

9/ Leckie, supra note 2.

10/ The usefulness of indicators and benchmarks is not necessarily confined to this third, variable dimension of States parties' obligations. They might also have a role, for example, in the definition of minimum core content.

11/ General Comment 1, para. 6.

12/ For present purposes, I confine my remarks to the right to education provisions of ICESCR (arts. 13 and 14). However, my comments bear upon other right to education provisions, such as those under the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and the International Convention on the Elimination of All Forms of Racial Discrimination. Moreover, the three-step process might be applied beyond the right to education to other economic, social and cultural rights.

13/ Conference participants adopted the World Declaration on Education for All and Framework for Action to Meet Basic Learning Needs. In relation to indicators see, for example, the section "Goals and Targets" of the Framework for Action (paras. 4-9).

14/ To take one example in the Committee's guideline on article 13 (1) States parties are asked: "What time-related goals and benchmarks has your Government set in this respect?" (E/C.12/1991/1, p. 18).

15/ For example, the UNICEF meeting to discuss indicators for global monitoring of child rights held in Geneva, 9-12 February 1998.

16/ There is a lot of literature on indicators and benchmarks in the human rights context. For a brief introduction, see P. Hunt, Reclaiming Social Rights: International and Comparative Perspectives, 1996, pp. 123-125. Also see Chapman, supra note 4.

17/ In 1993, Thomas Hammarberg, in a paper submitted to a United Nations seminar on appropriate indicators to measure the realization of economic, social and cultural rights, wrote: "There is a need for close cooperation between the various treaty bodies on this [indicators] project." (see HR/GENEVA/1993/SEM/BP.6)

18/ When engaging in step one: selecting key indicators, one important factor to be taken into account is the availability of data needed to monitor those indicators and their accompanying national benchmarks.

19/ P. Alston, "The United Nations Specialized Agencies and Implementation of the International Covenant on Economic, Social and Cultural Rights", Columbia Journal of Transnational Law, vol. 18, 1979, p. 79.

20/ Among the specialized agencies, the ILO has the most creditable record of engagement with the Committee.

21/ By way of example, see UNDP's recent policy document Integrating Human Rights with Sustainable Human Development (1998).

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Item 4 of the provisional agenda

SUBMISSION OF REPORTS BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT

Follow-up to the consideration of reports under articles 16 and 17 of the Covenant

Note by the Secretariat

1. At its fourteenth session, the Committee on Economic, Social and Cultural Rights, recognizing the importance of periodically reviewing the implementation by States parties of its suggestions and recommendations, requested the Secretariat to submit to it, as from the fifteenth session, a document indicating all cases where a follow-up had been suggested by the Committee.

2. The information requested by the Committee is to be found in the annex to the present note.

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Annex

FOLLOW-UP BY STATES PARTIES TO THE CONCLUDING OBSERVATIONS OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
(status as at 15 July 1998)

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
Dominican Republic	E/1990/6/Add.7 E/C.12/1996/SR.29 and 30 E/C.12/1/Add.6	The Committee invited the State party to confirm publicly its commitment to implement its binding human rights treaty obligations. It strongly called upon the Government of the State party to honour its obligations under the Covenant, particularly through maintaining the proper direct and constructive dialogue with the Committee as called for in the Covenant. The Committee proposed to adopt its final concluding observations in relation to the State party at its sixteenth session; for that reason the present concluding observations would be considered "preliminary", pending further consideration of the report based on a dialogue with representatives of the State party at its sixteenth session (concluding observations, para. 26).	28 April-16 May 1997	Final Concluding observations were adopted by the Committee at its seventeenth session (17 November - 5 December 1997), E/C.12/1/Add.16.

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
		The Committee further recommended that the State party provide it with written replies to the concluding observations adopted at its eleventh session (E/C.12/1994/15), in particular with regard to its request that the State party invite representatives of the Committee to visit the Dominican Republic; the written list of issues drawn up with respect to the third periodic report (E/C.12/1995/LQ.7); information contained in the document "The Dominican Republic: an independent report submitted to the United Nations Committee on Economic, Social and Cultural Rights by the International Women's Rights Action Watch" (concluding observations, para. 28).	28 April-16 May 1997	1. The State party invited representatives of the Committee to visit the Dominican Republic (note verbale of 28 April 1997) 2. Written replies to the list of issues submitted 23 April 1997
		The Committee requested the State party to submit the information referred to in the preceding paragraph by 15 February 1997 in order to allow the Committee to consider that information at its sixteenth session (concluding observations, para. 29).	28 April-16 May 1997	The Committee welcomed the resumption of dialogue with the Dominican Republic ... and the submission by the State party of comprehensive written answers to its List of issues.
		The Committee strongly recommended that the specific information requested above be presented to the Committee at its sixteenth session by an expert delegation (concluding observations, para. 30).	28 April-16 May 1997	

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
				The Committee also welcomed the appearance before it of an expert and a high-level delegation from the capital, which allowed for a fruitful and constructive dialogue to be conducted (E/C.12/1/Add.16, para. 1, 3 December 1997).
El Salvador	E/1990/5/Add.25 E/C.12/1996/SR.15, 16, 18 E/C.12/1/Add.4	Further information was requested on articles 6-8 and 15 of the Covenant, as well as on any problems encountered in that regard (concluding observations, para. 36).	31 Oct. 1996	

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
		Information was requested on the activities of the Office of the Procurator for the Defence of Human Rights, in particular on how much weight its recommendations carried and on the action taken on complaints it filed with regard to violations of economic, social and cultural rights, information enabling the Committee to evaluate the extent to which the members of indigenous communities enjoyed all the economic, social and cultural rights provided for in the Covenant (concluding observations, paras. 28 and 35).	Next report	
		The proposal of the Centre for Human Rights concerning technical cooperation should be given favourable consideration and such assistance used to guarantee the enjoyment of economic, social and cultural rights by all (concluding observations, para. 39).		Within the framework of project ELS/95/AH/10 (1997/98)

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
Guinea	Without report E/C.12/1996/SR.17, 22 E/C.12/1/Add.5	The Committee reiterated its request that the Government of Guinea actively participate in a constructive dialogue with the Committee on how the obligations arising from the Covenant could be fulfilled in a more adequate manner. It called to the Government's attention the fact that the Covenant created a legal obligation for all States parties to submit periodic reports and that Guinea had been in breach of this obligation for many years (concluding observations, para. 25). The Committee recommended that the Government of Guinea avail itself of the advisory services of the Centre for Human Rights in order to enable it to submit as soon as possible a comprehensive report on the implementation of the Covenant, in conformity with the revised general guidelines adopted by the Committee in 1990 (E/C.12/1991/1) and with particular emphasis on the issues raised and concerns expressed in the concluding observations (concluding observations, para. 26).		

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
		The Committee encouraged the Centre for Human Rights to make available, through its programme of advisory services and technical assistance, expert assistance to States for the purpose of formulating policies on economic, social and cultural rights, and developing the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights, as well as developing adequate means of evaluating and monitoring their realization (concluding observations, para. 27).		
Honduras	E/1997/22, para. 391 Letter from the Government of Honduras, January 1997	Request for technical assistance	May 1997	Assistance provided, March 1997. Initial report received 2 April 1998
Libyan Arab Jamahiriya	E/C.12/1/Add.15	The Committee requested that the State party provide the Committee with all of the written answers promised by the delegation, and that the State party's second periodic report contain more information regarding actual practice and the effective implementation of the rights guaranteed by the Covenant and include information on action taken with regard to the present concluding observations (concluding observations, para. 25).	Second periodic report	

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
Nigeria	E/C.12/1/Add.23 May 1998	The Committee urges in the strongest terms that union leaders and their rank and file members, including in particular those named in paragraph 17 above, who have been imprisoned without being charged or tried, be freed immediately (concluding observations, para. 37).	Urgently	
Paraguay	E/1990/5/Add.23 E/C.12/1996/ SR.1, 2, 4 E/C.12/1/Add.1	The Committee requested the State party to provide it with written replies to the unanswered questions from the list of issues (concluding observations, para. 32).	31 Oct. 1996	
		The next report should fill in the information gaps identified during the consideration of the initial report by the Committee (i.e. detailed information on the full implementation of legislative and administrative measures relating to prevention and enforcement in respect of safe and healthy working conditions; cases in which the Covenant has been invoked in the courts) (concluding observations, para. 32).	30 June 1999	

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
Peru	E/C.12/1/Add.12	The Committee called upon the State party to submit as soon as possible all the relevant information which it had failed to provide during the consideration of its report. The State party should, in particular, give detailed information on the legislative and other measures and practices adopted in connection with the right to adequate housing and the right to social security, particularly in relation to the functioning of the pensions system (concluding observations, para. 40).	As soon as possible	The requested information was provided on 2 December 1997 and 18 February 1998.
Portugal (Macau)	E/1990/6/Add.8 E/C.12/1996/SR.31-33 E/C.12/1/Add.9	The Committee took note of the readiness of the State party to provide it with additional information in reply to the concerns expressed by it in the course of the discussion, and recommended that in its replies the State party pay particular attention to the issue of family reunification and to the legislative provisions safeguarding the principles of ILO Conventions No. 103 and No. 138 and their practical applications (concluding observations, para. 16).	1 May 1997	

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
		The Committee recommended, in view of the lack of sufficient information provided by the State party, that detailed information be provided on measures taken to implement the provisions of article 10. In that connection, the attention of the State party was drawn to the relevant parts of the Committee's revised guidelines regarding the form and contents of reports to be submitted by State parties (concluding observations, para. 18). The Committee strongly urged the Portuguese Administration to take all necessary measures to ensure that the reports under the Covenant were submitted after 1999 (concluding observations, para. 24).	1 May 1997	
United Kingdom of Great Britain and Northern Ireland: Hong Kong	E/1994/104/Add.10 E/C.12/1996/SR.39, 41, 42 and 44 E/C.12/1/Add.10	The Committee requested that, within 45 days, it receive a comprehensive response to its inquiry regarding three Vietnamese refugees who had been denied medical and dental treatment, mainly for refusing to return voluntarily to Viet Nam (concluding observations, para. 42).	27 Jan. 1997	Response received on 23 Jan. 1997

State party	Report/summary records/concluding observations	Follow-up measures requested	Deadline	Action taken
Zimbabwe	E/C.12/1/Add.12	The Committee reminded the State party that, as a signatory to the Covenant, it was committed to ensure compulsory, free primary education to all children in Zimbabwe. Even though the Committee was aware of the current difficulties in Zimbabwe and the State party's efforts in that field, the Committee invited the State party to submit to it within a year a plan of action and a progress report as to the implementation of this obligation (concluding observations, para. 22).	16 May 1998	
		Bearing in mind that members of the Committee requested specific information that was not provided during the examination of the State party's report, in particular on the cultural situation and the participation of minority groups in cultural life, the Committee urged the State party to submit the requested additional information and statistics within three months of receipt of the Committee's concluding observations, and in any event prior to the Committee's seventeenth session (concluding observations, para. 23).	20 Aug. 1997	